

REMARKS

Claim Rejections - 35 USC § 103

Claims 1-8 are rejected under 35 USC 103(a) as being unpatentable over either GB 2042704 or GB 1518792 in view of either US 2006/0091827 A1 (Chevalier et al.) or US 6580309 (Jacobs et al.) and US 4979376 (Biehl et al.).

Claims 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over the references cited against claims 1-8, above, and further in view of US 2004/0032729 A1 (Choi et al.) or US 6594075 (Kanao et al.).

Previous arguments traversing the rejections are of record. Essentially, applicants argue that Biehl et al. does not teach or suggest locating an illumination device inside the cryostat chamber as set forth in claim 1, whereas the Patent Office contends that it does.

In the Advisory Action mailed April 11, 2007, it is argued that the illumination device 8 of Biehl et al. is located in what applicants describe in their specification as cryostat chamber 2. However, applicants' specification at Fig. 1 shows the general location of the cryostat chamber 2 within the cryostat 1, and Fig. 4 shows a plan view of the cryostat chamber 2. Those skilled in the art, reading the present specification, will understand the cryostat chamber 2 to be a chamber within the cryostat cabinet that i) houses the microtome 3 (see Fig. 4), and ii) is temperature controlled to keep specimens frozen (see claim 1).

Biehl et al. shows an illumination device in the same general area of the cryostat cabinet, but does not describe the illumination device as being in the refrigerated cryostat chamber. In fact, the Declarations and Exhibit submitted herewith establish that the illumination device 8 of Biehl et al. is not within the cryostat chamber in this reference.

The first Declaration is by Manfred Biehl, an inventor in the Biehl et al. reference. It explains, at paragraph 4, that illuminator 8 is located outside the cryostat chamber near glass pane 3 to prevent fogging. Biehl's Declaration also explains, at paragraph 3, that the Biehl et al. reference describes the Cryocut 1800 commercial unit launched in 1989. Exhibit A, which is a copy of a portion of a Service Manual for the Cryocut 1800, supports the statements made by Biehl.

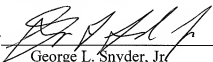
A second Declaration is by Stefan Kuenkel, an inventor in the present application and an employee with Leica since 1991 who is familiar with the Leica Cryocut 1800. Mr. Kuenkel's statements corroborate the statement made by Mr. Biehl that the bulb of the Cryocut 1800 is not in the cryostat chamber.

As the attached evidence supplied by those directly familiar with the teachings of Biehl et al. demonstrates, applicants' arguments traversing the rejections herein have merit. Therefore, favorable reconsideration of the present application is respectfully requested.

Conclusion

The present application is thought to be in a condition for allowance, and favorable action is respectfully requested. If the Examiner has any questions, or the attorneys for applicant can assist in any way, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,
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